

ORAL PUBLIC COMMENTS AND RESPONSES

The following pages provide a summary of the oral comments made at the Planning Commission hearing on the Draft EIR held on March 2, 2015 and the City's responses to these comments.

Planning Commission Draft EIR public hearing – March 2, 2015 Summary of Oral Comments

Comment No.	Commenter	Comments
D-1	Brad Thornton	1. As the director of the Shane's Inspiration project, Mr. Thornton stated that it is an international nonprofit that designs and develops inclusive playgrounds to bring playgrounds for children of all abilities to play together; and then works with communities to implement social inclusion programming. On behalf of Shane's Inspiration, he spoke in support of the project.

Response D-1-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

D-2	Chuck Trout	1. As the development director for The Kitchen Community Mr. Trout outlined the design and purpose of the gardens and spoke in support of the project.
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Response D-2-1

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<p>D-3</p>	<p>Jeff Follert</p>	<ol style="list-style-type: none"> 1. Mr. Follert is president of the Serra Canyon Property Owners Association (SCPOA); an organization of approximately 110 properties in the Serra Canyon neighborhood and spoke on their behalf. The properties share common ingress and egress easements on private roadways (Serra Road and Cross Creek Road) which are required by the fire department for emergency, primary, and secondary access points for all properties in the neighborhood. SCPOA's preliminary review of the project's traffic study resulted in many questions and raised doubt as to the practical reality of the impact analysis. 2. The report seems to indicate that in the intersection study only three were potentially impaired and proposed for mitigation. These are PCH and Cross Creek Road at PCH, PCH, and Malibu Canyon Road at Malibu Canyon, and PCH and Webb Way and Civic Center Way, and Webb Way. Cross Creek Road and Civic Center Road, the intersection that's directly adjacent to the project, right next to it and most impacting SCPOA, is cited as having "No impact" from the proposed project. Despite the traffic engineer's estimates, SCPOA requests a further detailed analysis of the real and potential impacts on this most critical intersection. 3. The report indicates that tri-axle truck traffic would be loaded into ingress or egress in the main Civic Center Way driveway. The report states that this will be accomplished by these vehicles being "prohibited" from using the private section across Creek Road. How will this effectively be controlled? By signage? Furthermore, many, if not a majority of delivery vehicles for an organic market, restaurants and retail stores are not tri-axle vehicles. 4. For at least one event during the fires in the early 1990s, Serra Road access was entirely fire involved and closed. Residents and emergency vehicles were limited to the Cross Creek Road access point. Historically the private Cross Creek Road use has been limited to residents and a limited number of low-impact businesses. The practical potential impact and use of the secondary driveway on Cross Creek Road needs further analysis. The proposed use is active and significant. It will impact the safety of Serra Canyon residents. If the access point is included in project emergency access requirements, at a minimum, consideration should be given to emergency use only
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		<p>controlled by a gate and a Knox key.</p> <ol style="list-style-type: none"> 5. The Cross Creek Road and Civic Center Way intersection was considered a three-way intersection in the traffic study. With the approval of and used by the Urban Outfitters property parking area and the alignment of their driveway, the intersection has become a four-way intersection and should be analyzed as such. The impact of a new driveway cut from private Cross Creek Road needs greater scrutiny. 6. SCPOA feels strongly that the project traffic analysis should be viewed in its cumulative effect with the existing development with the existing development agreement for La Paz, the Santa Monica College use of the County buildings, the potential of other commercial developments. The project's EIR should include the cumulative impact of other approved and proposed developments in the Civic Center area. 7. SCPOA is deeply concerned about the potential impact of this project and the traffic, the health and safety of our property owners and residents. Please do not simply accept the studies provided by the applicant without further independent analysis.
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Response D-3-1

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Response D-3-2

Please refer to **Topical Response 1**.

Response D-3-3

This comment expresses concerns about three-axle truck traffic utilizing the private section of Cross Creek Road, north of its intersection with Civic Center Way. As described in the Draft EIR Section 3.13, Traffic and Circulation, the proposed project would generate 2,290 weekday vehicle trips with 101 AM peak hour trips and 154 PM peak hour trips. In addition, the proposed project would generate an estimate 2,528 weekend trips with 226 weekend mid-day trips. Truck deliveries were included in these estimated trip generation figures. The Civic Center Way driveway would serve as the main entrance and exit for the shopping center. The driveway exit would have a stop sign at its intersection with Civic

Center Way. The driveway would accommodate vehicular access to all on-site parking and to the service road located along the westerly property line which also provides truck access to the loading docks located behind the proposed Whole Foods market. Full access would be provided at the Civic Center Way driveway (i.e., left-turn and right-turn ingress and egress). The project design accommodations combined with the required intersection improvements would ensure that traffic impacts resulting from truck deliveries would be less than significant. In addition, the City of Malibu will be including operational conditions of approval restricting the timing of truck deliveries to the project site to off-peak periods, restricting the truck traffic on the private section of Cross Creek Road (north of Civic Center Way), and restricting the use of Cross Creek Road (south of Civic Center Way) as a travel routes for large delivery trucks to off-peak periods. These restrictions will be enforced by the property owner as part of the project's covenants, codes, and restrictions (CC&Rs) or by another appropriate legal instrument as a condition of approval.

Response D-3-4

Please refer to **Topical Response 2**.

Response D-3-5

Draft EIR Section 3.13, Traffic and Circulation, identified the intersection of Cross Creek Road and Civic Center Way as a four way intersection. Please refer to Figures 3.13-2 through 3.14-4, Figures 3.13-8 through 3.13-16, and Figures 3.13-20 through 3.13-25. As a result, the anticipated volume of vehicle trips utilizing the "driveway cut" proposed on the private section of Cross Creek Road during the AM/PM peak hour periods was analyzed in the Draft EIR.

Response D-3-6

Please refer to **Topical Response 1**. As required by CEQA, the technical analysis contained in each topic section in the Draft EIR examines both project-specific impacts and the potential environmental effects associated with cumulative development. A listing and a map (Figure 3.0-1, Location of Related Projects) of the 39 related projects considered in this cumulative analysis is provided in Section 3.0, Environmental Impact Analysis, pages 3.0-3 through 3.0-5.

Response D-3-7

The Draft EIR was prepared under contract to the City of Malibu and reflects the City's independent judgment on its contents as required by CEQA.

Please also refer to **Topical Response 1** and **Topical Response 2**.

D-4	Linda Ellrod	1. Ms. Ellrod lives in Malibu and has two children with special needs. She is also the vice president of the Malibu Special Ed Foundation. She spoke in support of the project and specifically Shane's Inspiration playground.
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Response D-4-1

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D-5	Justine Petretti	1. Ms. Petretti is a 25-year resident of Malibu with three children. She is vice-chair of the Parks and Rec Commission, as well an active executive board member of the local PTAs for the past 11 years. She spoke in support of the project.
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Response D-5-1

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D-6	Mariane Schector	1. Ms. Schector is a resident of Malibu with a five-year-old child. She spoke in support of the project.
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Response D-6-1

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D-7	Anne Payne	1. Ms. Payne is a 38-year resident of Malibu. She is concerned that the City has not looked at the traffic impact of the trucks that unload and load every day now without any development in the Civic Center beyond what is already there. The City continues to allow huge trailers and trucks to block Civic Center
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		<p>Way, Cross Creek Road every day.” An accident waiting to happen.”</p> <p>2. The evacuation point for the Serra Retreat property owners or the residents who are there is huge. Cross Creek Road is the critical point for evacuation for all the people, animals, and vehicles. It would only take one truck or one trailer on Cross Creek Road to block several hundred people trying to get in and out, including visitors who might be at Serra Retreat. “I really think we have to look at the traffic and the traffic flow in Civic Center before we look at any projects in isolation.”</p>
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Response D-7-1

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Response D-7-2

Please refer to **Topical Response 1**, **Topical Response 2** and **Response to Comment B-1d-9**.

D-8	Norm Haynie	<ol style="list-style-type: none"> 1. Mr. Haynie stated that for over 20 years, he has said that the requirement for 40 percent of your land to be used for landscaping is a bad standard. It's a bad standard because it reduces the number of parking places that are necessary for people to go to the 20 percent or the 15 percent floor area ratio buildings that ought to be built. Mr. Haynie is in support of the variance and believes that the City should grant landscaping areas associated with tree canopies and any other creative ways that provide landscaping without requiring the 40 percent.
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Response D-8-1

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D-9	Jo Giese	<ol style="list-style-type: none"> 1. Ms. Giese is known as the founder and president of the Malibu Green Machine, sponsors of a major landscaping project on Pacific Coast Highway in the heart of Malibu. She spoke in support of the project.
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Response D-9-1

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D-10	Michelle Kahen	<ol style="list-style-type: none"> 1. Ms. Kahen lives in Malibu and has three children five and under. She spoke in support of the project and Shane's Inspiration playground.
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Response D-10-1

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D-11	Howard Schector	<ol style="list-style-type: none"> 1. Mr. Schector is an attorney and a 37-year resident of Malibu with a five-year-old child. He spoke in support of the project and the findings of the EIR, in particular that he believes the project would not endanger the residents of Serra Canyon.
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Response D-11-1

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D-12	Amy Cohen	<ol style="list-style-type: none"> 1. Ms. Cohen is a resident of Malibu with two children. She spoke in support of the project.
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Response D-12-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

D-13	Steve Uhring	<ol style="list-style-type: none"> 1. Mr. Uhring stated that at the scoping meeting in May 2012 the public requested accurate traffic counts, including truck trips, stating that truck traffic on Cross Creek could have a major impact on the safety of Serra Canyon residents. 2. Other scoping comments included: Is there an adequate water supply to fight both building fires and wildfires? If a fire does occur, how will the traffic get out onto Civic Center Way and will it impact the ability of emergency vehicles to get in to deal with the emergency along with the evacuation the area schools
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		<p>and businesses?</p> <p>3. Concerns were raised about impacts to the intersection of Serra Road and PCH as more Serra Canyon residents would use it rather than Cross Creek. More information was requested regarding the mitigation at Cross Creek and PCH. Mr. Uhring stated that the requested information was not provided in the EIR.</p> <p>4. Mr. Uhring stated that the traffic counts performed for the report were done manually during low traffic periods and undercounted actual area traffic by 25 to 28 percent. Mr. Uhring requests that new traffic counts be provided along with a new study.</p>
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Response D-13-1

Please refer to **Topical Response 1**.

Response D-13-2

Please refer to **Topical Response 2**.

Response D-13-3

The beneficial impacts associated with implementation of Mitigation Measure 3.13-1, which would improve the PCH/Cross Creek intersection were quantified in tabular form for three scenarios, Existing Traffic Conditions (2012) Plus Project and Future 2017 and 2030 Traffic Conditions Plus Project. Table 3.13-7, Table 3.13-8, and Table 3.13-8(a) quantify the anticipated improvements to intersection level of service after mitigation.

Response D-13-4

Please refer to **Topical Response 1**.

D-14	Bob Perkins	1. Mr. Perkins is a resident of Malibu. He spoke in support of the project.
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Response D-14-1

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no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

D-15	Paul Grisanti	1. Mr. Grisanti spoke in support of the project and the findings of the EIR
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Response D-15-1

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

D-16	Charlotte Jones	<ol style="list-style-type: none"> 1. Ms. Jones is a resident of Malibu. She spoke of her concerns regarding traffic safety in the project vicinity and concurs with Mr. Uhring that a new traffic study is needed. 2. Ms. Jones objects to the variance for the height of the building and the addition of new lighting, which she stated will alter the views of the mountains from PCH. 3. Ms. Jones stated that there a multiple other venues to purchase organic food in Malibu and is generally not in support of the project. She stated that she has no objection to a park for children and that a park on the site would be "a great idea."
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Response D-16-1

Please refer to **Topical Response 1**.

Response D-16-2

Please refer to **Responses to Comments B-1c-2, B-1d-11, B-1d-13 and C-156-1**.

Response D-16-3

This comment is a set of general remarks and opinions, as well as a statement in support of the project. The comment does not raise a specific environmental issue within the meaning of CEQA, and therefore no further response is provided. The comment will be included as part of the record and made available to the decision makers prior to a final decision on the proposed project.

D-17	Commissioner John Mazza	<ol style="list-style-type: none"> 1. Has there been any consideration of the loss of fire staging areas in the Civic Center on the cumulative impact in this particular project? 2. Prior use at the project site suggests that there may be some soil contamination and soils testing should be performed. 3. Prior and current EIR studies of traffic in the area show a 20 to 35-percent decrease in the traffic study on this particular property. Can you reconcile certified EIR studies versus this study and was that attempted? 4. Is there any place in Malibu that has a two-story building or a one-story or any place other than a supermarket or a drug store that has 18-foot standard retail height retail stores? 5. Is it possible and how many years would it take for a sycamore tree to grow to 28 feet with a 50-foot canopy? 6. Have the traffic counts really dropped from other studies?
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Response D-17-1

Please refer to **Topical Response 2**.

Response D-17-2

Please refer to **Response to Comment A-2-6**.

Response D-17-3

Please refer to **Topical Response 1**.

Response D-17-4

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Response D-17-5

The western sycamore (*Platanus racemosa*) is native to California and can grow to a height of 40 to 80 feet tall and 30 to 50 feet wide. The tree has a fast growth rate of approximately 36 to 48 inches per year. They

grow faster when they are young and the trees planted on the site are expected to put on new growth fairly quickly once established.

A planting plan has been prepared indicating the location of the 80 western sycamores that would be included as part of the proposed project's landscaping. These plans indicate the required sycamores would be planted in the following sizes: 15 of the 60-inch-box size; 15 of the 48-inch-box size; 10 of the 36-inch-box size; 10 of the 24-inch-box size; and 30 of the 15-gallon size.

The following is provided as an example of the typical growth pattern for the western sycamore planted from a 48 inch box. A typical "nursery container stock standard" tree would be approximately 14 feet tall by 10 feet wide at installation. The actual size varies per tree and also depends on if the tree is a standard single trunk or a multi trunk tree. It would take approximately five to seven years for the 48 inch box trees to reach around 25 feet in width as shown in the planting plans. In areas on the project site where they have more room to grow they could potentially reach up to 50 feet in width within 12 to 15 years. The lifespan of a western sycamore can be greater than 150 years.

The western sycamore typically has a naturalized, irregular canopy shape. In keeping with the project's design intent to have a wider canopy of sycamores, trees would be selected for this project that have the largest canopy available at the time of purchase per the selected container sizes. Care would be taken during tree selection to ensure that trees with a more spreading form were chosen. Careful maintenance and selective tree trimming over time would also be performed to encourage the trees to take on more of the natural spreading form that they are so well known for and which is desired for this project.

The trees would be maintained per the requirements of the LIP Section 5.6.2 and Title 32 of the Los Angeles County Fire Code, therefore they are not expected to pose a greater fire hazard than any other type of landscaping in the Civic Center area.

Response D-17-6

Please refer to **Topical Response 1**.